

UNREDACTED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

-----

UNITED STATES OF AMERICA	)	
	)	
VS	)	NO.17-10018
	)	JACKSON, TENNESSEE
	)	
JOHN KEVIN PHILLIPS	)	

-----

PROBABLE CAUSE/DETENTION HEARING  
MARCH 2, 2017

FTR RECORDING

BEFORE THE HONORABLE EDWARD G. BRYANT,  
UNITED STATES MAGISTRATE JUDGE

KRISTI HEASLEY, RPR  
OFFICIAL COURT REPORTER  
U.S. COURTHOUSE, SUITE 450  
111 SOUTH HIGHLAND AVENUE  
JACKSON, TENNESSEE 38301

UNREDACTED TRANSCRIPT

1 APPEARANCES

2

3

4 FOR THE UNITED STATES:

5 BETH BOSWELL, Q ESQ.  
6 UNITED STATES ATTORNEY'S OFFICE  
7 109 South Highland Avenue  
Suite 300  
Jackson, TN 38301

8

9

10

11 FOR THE DEFENDANT:

12 MARTY B MCAFEE, ESQ.  
13 THE MCAFEE LAW FIRM  
246 Adams Avenue  
Memphis, TN 38301

14

15 MICHAEL RYAN WORKING, ESQ.  
16 THE WORKING LAW FIRM  
917 South Cooper  
Memphis, TN 38104

17

18

19

20

21

22

23

24

25

1 EXAMINATION INDEX

2

3 JOHN KRIEGER

4

DIRECT BY MS. BOSWELL

8

5

CROSS BY MR. MCAFEE

20

6

FURTHER DIRECT BY MS. BOSWELL

27

7

8 ROBIN PHILLIPS

9

DIRECT BY MR. MCAFEE

30

10

CROSS BY MS. BOSWELL

33

11

12 RHONDA GREER

13

DIRECT BY MR. MCAFEE

37

14

CROSS BY MS. BOSWELL

40

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

EXHIBITS

1	Text Messages	14
2	Photo	17

1 (Defendant Present.)

2 MS. BOSWELL: Judge, I'm going to unseal  
3 the complaint, but not the affidavit associated with that  
4 based upon safety concerns, just some of the contents  
5 that's in that. The printed complaint document itself I  
6 will unseal so that the courtroom can remain open.

7 THE COURT: The Court will grant the  
8 motion of the government to unseal the -- be clear what  
9 you are unsealing.

10 MS. BOSWELL: Complaint.

11 THE COURT: The complaint only.

12 MS. BOSWELL: Not the attachment.

13 THE COURT: Any attachments are not  
14 unsealed. Okay. And that would be for Mr. Phillips.

15 (Pause in proceedings.)

16 THE COURT: Are we ready?

17 MR. WORKING: Yes, Your Honor. It's going  
18 to be Mike Working and Mr. McAfee.

19 THE COURT: Now this is a -- let's see,  
20 it's a probable cause and detention hearing on a  
21 complaint.

22 MR. MCAFEE: We have not been able to get  
23 anything up to now because it's been sealed (inaudible).

24 THE COURT: Okay. Can we give a couple of  
25 copies.

1 MR. MCAFEE: We can go ahead and proceed  
2 at this time.

3 THE COURT: Okay. Now in regard to the  
4 detention hearing -- let me get my paperwork here  
5 together. I want to -- preparatory remarks as far as the  
6 detention hearing.

7 This matter is before the Court this  
8 afternoon for a pre-trial detention hearing at the  
9 request of the United States Government. And I believe  
10 also this is a probable cause hearing as well today.

11 Now during today's hearing the government  
12 will present evidence and the defendant, through his  
13 attorneys, have a right to cross-examine any government  
14 witnesses who may be called, to present witnesses of your  
15 own, you are entitled to that, and to testify yourself.

16 Now you're not required to do any of these  
17 things. And you should be particularly aware that if you  
18 should testify you could be cross-examined by the  
19 government and you would be giving up your constitutional  
20 right to remain silent and anything that you say may be  
21 used against you at a later date. Therefore, you should  
22 carefully consult with your attorneys in regard to these  
23 matters.

24 Also I'll note for the record that at the  
25 pre-trial -- the defendant has, at his initial

1 appearance, been provided with copies of the charges  
2 against him and had those explained as well, charges and  
3 maximum penalties.

4 Also I would state finally that this  
5 detention hearing is being recorded today.

6 Now we are ready to move forward.  
7 Government may present --

8 MS. BOSWELL: We call for the Rule, Your  
9 Honor.

10 THE COURT: Okay. Now the government  
11 calling for the Rule here. Anyone who will be testifying  
12 in this case will need to wait outside and we'll call you  
13 in as we need your appearance to testify. But you have  
14 to wait outside of the hearing of what is going on in  
15 this courtroom.

16 So we've got everybody that will possibly  
17 be testify out of the courtroom. Okay. You may proceed.

18 MS. BOSWELL: We call John Krieger, Your  
19 Honor.

20 THE COURT: All right. Mr. Krieger, if  
21 you will come up, circle back around over here. Before  
22 you have a seat raise your right hand and be sworn as a  
23 witness.

24 \*\*\*\*\*

25

1                   JOHN KRIEGER THEREUPON CALLED AS A WITNESS ON  
2 BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY  
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4                   DIRECT EXAMINATION

5                   THE COURT: I think you are going to need  
6 to spell your name as well when you get --

7                   THE WITNESS: Yes, Your Honor.

8 BY MS. BOSWELL:

9 Q. Can you state your name, please?

10 A. John Krieger, K-R-I-E-G-E-R.

11 Q. Who do you work for?

12 A. Drug Enforcement Administration.

13 Q. How long have you been with them?

14 A. About four and a half years.

15 Q. And where did you work prior to that?

16 A. I was local patrol cop in a suburb outside of St.  
17 Louis.

18 Q. How long did you do that?

19 A. About four years.

20 Q. Which division of the DEA are you assigned to?

21 A. The tactical diversion squad.

22 Q. Where is that located?

23 A. Nashville Tennessee.

24 Q. Does your squad also cover charges on defendants in  
25 Federal cases here in Western District of Tennessee?



1 A. Yes, ma'am.

2 Q. Are all of the diversion portions of the DEA  
3 located in Nashville?

4 A. No, ma'am.

5 Q. Are there -- the one located in Nashville, is that  
6 the only one that would cover charges here in the Western  
7 District of Tennessee?

8 A. That's correct.

9 Q. Did you get involved in an investigation against  
10 John Kevin Phillips?

11 A. Yes, ma'am.

12 Q. When did you get involved?

13 A. Last Friday.

14 Q. That will be February 24th then of 2017?

15 A. Yes, ma'am.

16 Q. Is John Kevin Phillips connected to another  
17 defendant that you're aware of?

18 A. Yes, ma'am.

19 Q. Who is that other suspect or potential defendant?

20 A. Jeffrey Young, II.

21 Q. Is there an open Federal investigation as to him at  
22 this time?

23 A. Yes, ma'am.

24 Q. And who is the lead special agent on that case, or  
25 open investigation, I should say, against Jeff Young?

1 A. Stanley Jones.

2 Q. Would Special Agent Jones, was he involved in  
3 interviewing witnesses, employees, and other persons  
4 involved with that open investigation?

5 A. He was.

6 Q. What is the connection between this defendant John  
7 Phillips and Jeff Young?

8 A. Based upon all the information that we've gathered  
9 they're best friends.

10 Q. What are you basing that on, what sources?

11 A. Cooperating statements from cooperating defendants  
12 or potential defendants, local law enforcement, social  
13 media.

14 Q. And what does Kevin Phillips do for a living?

15 A. Pharmaceutical rep.

16 Q. What does Jeff Young do for a living?

17 A. Nurse practitioner.

18 Q. What began this investigation last Friday?

19 A. Confidential informant reached out to local law  
20 enforcement because they were concerned about the well  
21 being of Federal agent.

22 Q. That Federal agent was who?

23 A. Special Agent Stan Jones.

24 Q. What was the concern?

25 A. That Mr. Phillips was making threats against Stan

1 Jones' welfare and life.

2 Q. Was this corroborated in some way other than just  
3 this source's word?

4 A. It was.

5 Q. How?

6 A. Law enforcement downloaded the cell phone of the  
7 confidential source and corroborated phone number that it  
8 was sent from and to and what time and what it stated.

9 Q. So the phone number that the text were sent from,  
10 who is the scribe on that phone?

11 A. John Kevin Phillips.

12 Q. Okay. What did the text then that were downloaded  
13 from that phone in regard to threats to Stan Jones, what  
14 did they say?

15 A. Some of the text that were downloaded stated, I'm  
16 going after Stan. I don't make threats, I do. Watch the  
17 news. We're both going to the hospital. And I've got  
18 nothing to lose.

19 Q. Based upon those texts and information from the  
20 source, was a state arrest warrant drafted?

21 A. Yes, ma'am.

22 Q. What was the charge on that?

23 A. Retaliation for past action.

24 Q. Was he arrested on this warrant?

25 A. Yes, ma'am.

1 Q. Who was with him at the time of the arrest?

2 A. Angela Hazelhurst.

3 Q. Who is she to him?

4 A. His girlfriend, paramour.

5 Q. Did she give consent to look on her phone?

6 A. Originally, yes.

7 Q. You say originally, was that consent revoked?

8 A. At a later time during the same incident it was  
9 later revoked.

10 Q. Did you, in fact, seize that phone?

11 A. I did.

12 Q. And was the search warrant obtained out of the  
13 Middle District of Tennessee for the contents of that  
14 phone?

15 A. Yes, ma'am.

16 Q. In conversations with Ms. Hazelhurst did she tell  
17 you how Mr. Phillips, how she had him entered in her  
18 phone?

19 A. Yes, ma'am.

20 Q. How was that?

21 A. Under Andrew P.

22 Q. During the search of that phone did Mr. Phillips  
23 also communicate to her threats regarding Stan Jones?

24 A. Yes.

25 MS. BOSWELL: I need just a minute, Your

1 Honor.

2 THE COURT: Okay. Take your time.

3 BY MS. BOSWELL:

4 Q. Can you see that?

5 A. Yes, ma'am.

6 Q. We can see it. I guess you should --

7 A. Yes, ma'am.

8 MS. BOSWELL: Is yours working, Your  
9 Honor?

10 THE COURT: Well, it might if I turn it on  
11 here.

12 (ATTORNEY/ATTORNEY CONFERENCE.)

13 MS. BOSWELL: May I approach?

14 THE COURT: You may approach.

15 BY MS. BOSWELL:

16 Q. Do you recognize that, Agent Krieger?

17 A. Yes, ma'am.

18 Q. What is that?

19 A. It's a photograph of the text between Angela  
20 Hazelhurst's phone and a contact in her phone listed as  
21 Andrew P.

22 Q. That's who she identified as this defendant  
23 Mr. Phillips?

24 A. Yes, ma'am.

25 MS. BOSWELL: Your Honor, I'd like to

1 introduce this as Exhibit 1.

2 THE COURT: Any objection?

3 MR. MCAFEE: No, sir.

4 THE COURT: Court will allow the  
5 introduction of Exhibit 1 which is --

6 MS. BOSWELL: Copy of text messages.

7 THE COURT: -- copy of text messages.

8 (Exhibit No. 1 was marked.)

9 THE COURT: That would be from Hazelhurst  
10 to Phillips, text messages?

11 BY MS. BOSWELL:

12 Q. Whose phone was this off of again?

13 A. It was Ms. Hazelhurst's telephone.

14 Q. And the threat that is contained on Exhibit 1,  
15 whose phone did that come from?

16 A. I'm sorry, repeat that.

17 Q. The threat that came to her phone came from who?

18 A. Andrew P.

19 Q. She identified that as Mr. Phillips?

20 A. Yes, ma'am.

21 Q. Okay. If you will then, read what the text message  
22 on her phone stated.

23 A. I'm going to kill Stan and his children and fuck  
24 his wife if she's decent looking.

25 Q. Based upon your training and your experience, Agent

1 Krieger, did these text messages, the ones you referred  
2 to from the source's phone, as well as this one from  
3 Hazelhurst's phone, did those travel in interstate  
4 commerce?

5 A. Yes.

6 Q. And these were communications that threatened to  
7 injure a person, specifically Stan Jones?

8 MR. MCAFEE: I object to (inaudible).

9 THE COURT: Can you re -- well.

10 BY MS. BOSWELL:

11 Q. Were these communications threatening, Agent?

12 A. Yes, ma'am.

13 MR. MCAFEE: I'm going to object to the  
14 legal conclusion. Respectfully, that is your decision.

15 THE COURT: I'm going to overrule this  
16 objection. Allow the first one, so.

17 BY MS. BOSWELL:

18 Q. The confidential source, where was that person  
19 located when they received the communications?

20 A. Western District of Tennessee.

21 Q. Was chain of command within DEA notified of this  
22 situation?

23 A. Yes, ma'am.

24 Q. Did Agent Jones participate here in this Phillips  
25 investigation as far as the arrests or anything to do

1 with that part of the investigation?

2 A. No, ma'am.

3 Q. Why not?

4 A. To protect the safety of him and his family.

5 Q. During the other open investigation was there a  
6 photograph that was obtained of Mr. Phillips with a  
7 firearm?

8 A. Yes, ma'am.

9 MS. BOSWELL: May I approach, Your Honor?

10 THE COURT: You may.

11 BY MS. BOSWELL:

12 Q. Do you recognize that?

13 A. Yes, ma'am.

14 Q. Do you recognize who is in that picture?

15 A. Yes, ma'am.

16 Q. Who is that?

17 A. John Kevin Phillips.

18 MS. BOSWELL: Your Honor, I'd like to get  
19 this marked and introduced.

20 MR. MCAFEE: I object to that. There has  
21 been no foundation that this picture actually accurately  
22 portrays a scene. This witness cannot testify the when,  
23 where, what, how or why this picture exists.

24 THE COURT: Okay.

25 MR. MCAFEE: He may know, but he's not



1 testified to such.

2 THE COURT: I'm going overrule your  
3 objection. Government may proceed.

4 MS. BOSWELL: I'd like to get this entered  
5 as Exhibit 2.

6 THE COURT: All right. The Court will  
7 enter this as Exhibit 2, photograph that you alluded to.

8 (Exhibit No. 2 was marked.)

9 BY MS. BOSWELL:

10 Q. Now displaying Exhibit 2. You've identified this  
11 as a photograph of Mr. Phillips?

12 A. Yes, ma'am.

13 Q. And do you have training with firearms?

14 A. Yes, ma'am. I'm a certified DEA firearms  
15 instructor.

16 Q. Are you able to identify what type of firearm that  
17 is based upon the picture?

18 A. It appears to be a Glock handgun.

19 Q. Are you familiar through your investigation with  
20 prior charges that Mr. Phillips has had?

21 A. Yes, ma'am.

22 Q. And are you familiar with the facts and  
23 circumstances surrounding an aggravated assault charge  
24 that he had?

25 A. Yes, ma'am, I read the report.

1 Q. Have you talked to local law enforcement as well  
2 concerning that?

3 A. Yes, ma'am.

4 Q. Have there been communications between DEA and the  
5 victim on this charge?

6 A. Yes, ma'am.

7 Q. What was the basis of that charge?

8 MR. MCAFEE: I object to hearsay. To just  
9 read off what someone else has told him or what he's read  
10 somewhere else, that could be done through witnesses. If  
11 they exist and if they can be brought to court it's fine,  
12 Your Honor. This is not evidence that is obviously  
13 something that you can trust in. That's the whole basis  
14 for this. You're supposed to be able to confront  
15 witnesses. That's the basis for hearsay.

16 So I'm objecting based upon hearsay and on  
17 the (inaudible).

18 THE COURT: Okay. Certainly that is, that  
19 is a valid objections at a future hearing. But in the  
20 detention hearing here we are able to take hearsay  
21 evidence. I'm going to overrule your objection on that  
22 point.

23 BY MS. BOSWELL:

24 Q. You can answer the question. What was the basis of  
25 the aggravated assault charge?

1 A. The basis of the complaint was that John Kevin  
2 Phillips and Angela Hazelhurst were travel back from  
3 Memphis, Tennessee, and at some point began arguing. And  
4 at some point during that argument the report states that  
5 John Kevin Phillips held a firearm to Angela Hazelhurst's  
6 head.

7 Q. And was he, in fact, apprehended in a vehicle?

8 A. Yes, ma'am.

9 Q. And was there, in fact, a firearm recovered from  
10 that vehicle?

11 A. Yes, ma'am.

12 Q. And that charge has been dismissed?

13 A. Yes, ma'am.

14 Q. While he was on bond for that aggravated assault  
15 charge, did he get arrested again?

16 A. Yes, ma'am.

17 Q. What was that for?

18 A. Driving under the influence.

19 Q. And was he out on release on the DUI charge when  
20 these threats were communicated?

21 A. Yes, ma'am.

22 Q. In fact, that DUI charge is still pending?

23 A. Yes, ma'am.

24 MS. BOSWELL: Pass the witness, Your  
25 Honor?

1 THE COURT: You may examine the witness.  
2 If you would like to just stay there at your seat or  
3 certainly you can come to the podium.

4 CROSS-EXAMINATION

5 BY MR. MCAFEE:

6 Q. Special Agent Krieger?

7 A. Yes, sir.

8 Q. Good looking tie.

9 A. Thank you, sir.

10 Q. I want to ask you this. What does diversion cases  
11 mean?

12 A. Diversion, there is a -- within the realm of  
13 controlled substances there are various schedules.  
14 Schedule II through V can be prescribed by a doctor. And  
15 diversion -- doctor or nurse practitioner or prescriber,  
16 whatever you want to call them. And diversion from that  
17 cycle is what we investigate.

18 So at some point it's imported from overseas,  
19 let's say the opium, imported from overseas. It's then  
20 brought into the diversion cycle. Made into pills.  
21 Prescribe by a doctor. Filled by a pharmacist. And at  
22 some point if it isn't all done under the guise of legal  
23 means and it's diverted from cycle, that is what we  
24 investigate. Violation of controlled substances.

25 Q. Fair enough. And at the time that these

1 allegations took place, you were investigating Jeffrey  
2 Young, right?

3 A. Our group was investigating Jeffrey Young.

4 Q. Okay. And your group, the DEA, was investigating  
5 Jeffrey Young; is that right?

6 A. Yes, sir.

7 Q. He is a nurse practitioner here in Jackson?

8 A. Yes, sir.

9 Q. And Mr. Phillips is a pharmaceutical sales rep, is  
10 he not?

11 A. That's what I understand.

12 Q. Okay. Did I understand you correctly when you said  
13 that basically Mr. Phillips is best friends with Jeff  
14 Young?

15 A. That's my understanding.

16 Q. Okay. That's what your investigation showed?

17 A. That's correct.

18 Q. Can you tell the Court when these other text  
19 messages -- we have some you've mentioned but you  
20 mentioned some others. When these other texts were made?

21 A. You would have to be more specific as to the other  
22 texts.

23 Q. I don't make threats, I do. I've got nothing to  
24 lose. When?

25 A. Those from Friday, February 24th as well.

1 Q. Okay. But we don't have pictures of those, we just  
2 have this one.

3 A. I'm not aware of what evidence you are in  
4 possession of.

5 Q. I'm sorry. Exhibit 1. We have pictures of this  
6 but not the others.

7 A. I don't know what is in your possession.

8 Q. In evidence here today I guess is what I'm saying.

9 A. Those are the only texts that are in evidence here  
10 today.

11 Q. And this one -- you did look at Exhibit 1, didn't  
12 you, before you said that's accurate, that's what I saw?  
13 Right?

14 A. Yes, sir.

15 Q. So the way the text messages appear on the phone is  
16 the ones on the right are going to be the recipient's,  
17 the person what owns the phone. Is that right?

18 A. No, sir.

19 Q. So is this his phone or is this the receiving  
20 person's phone?

21 A. That is the receiver's phone.

22 Q. Okay. So the receiving person, the person that  
23 owns this phone, their messages are going to be the ones  
24 that are in dark green on the right. Is that correct?

25 A. Either be green or blue. In this case they're

1 green.

2 Q. Yeah. If it was an iPhone it would be blue. In  
3 some of the others are green. Right?

4 A. Not entirely accurate. Yes, if it was to another  
5 iPhone it would be blue. But it could also be going to  
6 another iMac or another Apple supported device using  
7 isoftware.

8 Q. Sure. The person that sent this message stated in  
9 the next message, I just woke up. Right?

10 A. May I see?

11 MR. MCAFEE: May I approach?

12 THE COURT: You may approach.

13 MR. MCAFEE: Thank you.

14 THE WITNESS: Yes, sir.

15 BY MR. MCAFEE:

16 Q. And the response from the person that received  
17 those message was?

18 A. Excuse me. Can you repeat the question?

19 Q. Sure. The response -- after receiving this  
20 message, I'm going to kill Stan and his children, fuck  
21 his wife if she's decent looking. The response from the  
22 recipient was?

23 A. You are drunk.

24 Q. The person that received these messages knew him?

25 A. Yes.

1 Q. Knows him, would be more accurate.

2 A. It was apparent from that.

3 Q. Yes. Did your investigation reveal that this  
4 person has a significant alcohol problem?

5 A. That is something that has come up in the  
6 investigation.

7 Q. From more than one source in the investigation.

8 A. I'm not aware of that. I'm not sure. I know it's  
9 been mentioned before, but I don't know if it's from more  
10 than one source or from -- but I know it has been  
11 mentioned previously.

12 Q. Okay. This picture --

13 MR. MCAFEE: This is Exhibit 2 for the  
14 record, Your Honor.

15 THE COURT: Okay.

16 BY MR. MCAFEE:

17 Q. Whatever is depicted in this picture, when did it  
18 happen?

19 A. I don't know.

20 Q. Where did it happen?

21 A. I don't know.

22 Q. Can you swear to God that that's a gun?

23 A. No, I cannot.

24 Q. You can't be certain, but you think it's possible  
25 or likely that that is the gun that was involved in the



1 prior charges that was dismissed?

2 A. Possible or likely is an accurate statement, yes.

3 Q. Regardless of whether that is that gun or not, the  
4 gun involved in those charges is no longer in his  
5 possession.

6 A. Not that I aware of, no.

7 Q. It's in the possession of the state authorities.

8 A. Correct.

9 Q. Okay. The aggravated assault charges that you  
10 spoke about earlier, aggravated assault and false  
11 imprisonment, those were dismissed?

12 A. Yes. From what I understand because of a  
13 jurisdictional issue.

14 Q. There is a pending DUI.

15 A. That's what I understand, yes.

16 MR. MCAFEE: Your Honor, I may have more.  
17 Could I have just one moment?

18 THE COURT: You may.

19 BY MR. MCAFEE:

20 Q. Special Agent Krieger, these text messages that  
21 gave you concern --

22 A. Yes, sir.

23 Q. -- they happened last Friday night?

24 A. I don't believe it was that night.

25 Q. Okay.

1 A. They're last Friday.

2 Q. Uh-huh (affirmative response). I'm not sure if I  
3 understood your question.

4 A. I wasn't asking a question.

5 You said they were sent last Friday night. I  
6 believe they were sent last Friday, but not during the  
7 nightttime.

8 Q. Okay. Special Agent Krieger, you don't have any  
9 proof that John Kevin Phillips knows Stan -- apologize.  
10 Tell me his last name again.

11 A. Stan Jones.

12 Q. Jones.

13 You don't have any evidence or proof that John  
14 Kevin Phillips knows Stan Jones?

15 A. Can you define knows.

16 Q. Knows who he is, what he looks like, where is he,  
17 who he is.

18 A. Other than text messages that weren't on that sheet  
19 looking for a cell phone number, things of that sort,  
20 trying to find out who Stan Jones was or is.

21 Q. Sure. But if I knew somebody's cell phone number  
22 that doesn't mean I know who they are or where they are,  
23 right?

24 A. Not who they are. But there is a plethora of  
25 information of open sources that you could find.

1 Q. For cell phone numbers? I know --

2 A. That I --

3 Q. I know you can --

4 A. Names, you could, through open source data, find an  
5 address, yes.

6 Q. If you had their name and you knew who their last  
7 name was and if you knew their cell phone number, right?

8 A. I've gone to a site where basically all you had,  
9 would need to put in is their name.

10 Q. You surely have not gone to a site where all you  
11 need was Stan.

12 A. Not just Stan, no.

13 Q. Okay.

14 MR. MCAFEE: Thank you, Your Honor.

15 THE COURT: Any redirect examination?

16 MS. BOSWELL: Briefly, Judge.

17 FURTHER DIRECT EXAMINATION

18 BY MS. BOSWELL:

19 Q. Agent Krieger, during the investigation regarding  
20 Young, was he found to possess and own firearms as well?

21 A. Can you repeat the question?

22 Q. During the investigation regarding Jeff Young was  
23 he found to be in possession of and to own firearms?

24 A. Referring to Mr --

25 Q. Jeff Young.

1 A. Yes.

2 Q. Those firearms were not seized from him as part of  
3 that investigation?

4 A. No, ma'am.

5 Q. Can a person with a drinking problem pull a  
6 trigger?

7 A. Yes, ma'am.

8 MS. BOSWELL: That's all the government's  
9 proof, Your Honor.

10 THE COURT: Well, Agent Krieger, you may  
11 step down. Thank you for your testimony today.  
12 Certainly you can remain in the courtroom.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: Okay. Does the government  
15 have any other witnesses?

16 MS. BOSWELL: No, Your Honor.

17 THE COURT: Okay. From the defendant's  
18 standpoint do you wish to call any witnesses?

19 MR. MCAFEE: We would, Your Honor. Can I  
20 have just one moment?

21 THE COURT: You may.

22 MR. MCAFEE: Your Honor, I (inaudible).

23 THE COURT: Yes, please. Just come to the  
24 front here and go toward the circle there and come on up.  
25 Before you sit down would you raise your right hand and

1 be sworn as a witness.

2 \*\*\*\*\*

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 ROBIN PHILLIPS THEREUPON CALLED AS A WITNESS  
2 ON BEHALF OF THE DEFENDANT, AND HAVING BEEN FIRST DULY  
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 EXAMINATION

5 THE WITNESS: Yes, I do.

6 THE COURT: Now get comfortable there and  
7 pull that microphone up closer to you. Seemed like you  
8 have a very quiet voice, and we want to hear what you  
9 have to say today. You may examine.

10 MR. MCAFEE: Thank you, Your Honor.

11 BY MR. MCAFEE:

12 Q. Ms. Phillips, state your name for the record.

13 A. Robin Crawley Phillips.

14 Q. Where do you live?

15 A. 126 Rolling Oaks Drive in Three Way, Humboldt,  
16 Tennessee.

17 Q. What is your relationship to John Kevin Phillips?

18 A. My husband.

19 Q. How long have y'all been married?

20 A. Twenty-two years, going on 23.

21 Q. What do you do for a living?

22 A. I'm a schoolteacher.

23 Q. Where?

24 A. Medina Middle School, Gibson County School  
25 District.

1 Q. Do you and Mr. Phillips have children?

2 A. We do, we have three.

3 Q. Okay. What are their ages?

4 A. We have Jackson, he's 17. Victoria is 17. And  
5 then Alden, he just turned 15.

6 Q. Okay. What does Mr. Phillips do for a living?

7 A. He's a pharmaceutical sales representative.

8 Q. An okay one, mediocre one?

9 A. He's great. He's really good.

10 Q. In fact, has he received awards and --

11 A. Several, several. He's received like plaques and  
12 awards. And this would be -- he just won a trip for the  
13 second time for being, it's like a top percentage. It's  
14 really hard because it's against everybody in his company  
15 that you have to earn that and then you win, you know, a  
16 trip. And this is the second one.

17 Q. Was he supposed to be receiving that award in the  
18 last couple of days?

19 A. Yes.

20 Q. Is he a good provider?

21 A. Excellent. He's always put me and the kids first.

22 MR. MCAFEE: May I approach?

23 THE COURT: You may. I think we have some  
24 tissue.

25 THE WITNESS: Thank you.

1 BY MR. MCAFEE:

2 Q. He's not perfect, though, is he?

3 A. No, sir.

4 Q. You understand your under oath. He has a problem  
5 with alcohol, does he not?

6 A. He does.

7 Q. He needs to address that.

8 A. Yes.

9 Q. Have you been able to speak to him since he was  
10 arrested?

11 A. Just a couple of times on the phone, short, just  
12 short conversations.

13 Q. I'm going to go out on a limb here. You have never  
14 been in jail, have you?

15 A. No, sir.

16 Q. At this time is it your opinion that the Court has  
17 his full and undivided attention?

18 A. That the Court -- can you repeat that?

19 Q. Think we've got his attention here today?

20 A. I think so, yes, sir.

21 Q. If this Court sets a bond in this case, this Court  
22 can put in place, I don't guess I will say anything, but  
23 some very pervasive conditions to assure that people are  
24 safe and that he comes to court. Can you say to this  
25 Court whether your husband is going to obey those



1 conditions?

2 A. Absolutely without a doubt, he would obey.

3 Q. He hasn't obeyed all of them in the past, has he?

4 A. You mean -- he's not perfect, no, sir.

5 Q. But given your conversations with him since he is  
6 facing these charges, can you say we've got his  
7 attention?

8 A. Absolutely without a doubt. Absolutely.

9 Q. Do you want him to get help?

10 A. Absolutely, yes, sir. I've expressed that, yes,  
11 sir, to him.

12 MR. MCAFEE: That's all I have, Your  
13 Honor.

14 THE COURT: All right. Thank you.  
15 Any cross-examination?

16 MS. BOSWELL: Yes, sir.

17 CROSS-EXAMINATION

18 BY MS. BOSWELL:

19 Q. Ms. Phillips, you are certainly not aware of what  
20 your husband is doing when he's not with you, are you?  
21 You don't know what he does when he's not around you.

22 A. He's not with me all the time.

23 Q. In fact, he doesn't stay there and sleep with you  
24 very often, does he?

25 A. Well, I mean, we've had some marital problems, but

1 he's -- you know.

2 Q. Okay.

3 A. I love my husband.

4 Q. He stays a lot and spends a lot of time with Jeff  
5 Young, doesn't he?

6 A. He and Jeff Young are friends.

7 Q. He parties with stripers and drinking and posts  
8 things on social media.

9 A. I don't know about stripers. I haven't seen my  
10 husband posted with any stripers. I don't know about  
11 Jeff Young, but my husband I have not seen posted with  
12 any stripers.

13 Q. Were you aware that -- you see he has a mark on his  
14 face today, right?

15 A. Yes, ma'am.

16 Q. Were you aware that he made a post as he was  
17 getting his MRI that he got hit in the head with a liquor  
18 bottle from a female? Were you aware of that?

19 A. I was under the impress it was a concussion.

20 Q. Do you understand that his words were that he got  
21 hit in the head by a female? Were you aware of that?

22 A. That is not what he told me.

23 Q. Okay. Did you know that he would stay a lot of  
24 times with Angela Hazelhurst, his girlfriend? Were you  
25 aware of that?

1 A. No, ma'am.

2 Q. Were you aware when he was arrested that they were  
3 both naked at her house together?

4 A. No, ma'am.

5 Q. So you really don't know your husband, do you?

6 A. I do, but I didn't know that.

7 MS. BOSWELL: Nothing else, Your Honor.

8 THE COURT: All right. Any redirect?

9 FURTHER DIRECT EXAMINATION

10 BY MR. MCAFEE:

11 Q. Ms. Phillips, if this Court orders him to live at  
12 your house until this case is over does he have a place  
13 there?

14 A. Absolutely.

15 MR. MCAFEE: That's all I have of Ms.  
16 Phillips, Your Honor.

17 THE COURT: Okay. All right. You may  
18 step down. Thank you, Ms. Phillips.

19 Any objection to her remaining in the  
20 courtroom?

21 MS. BOSWELL: No, Your Honor.

22 THE COURT: Okay. If you would like to  
23 remain in the courtroom you may have a seat.

24 MR. MCAFEE: Can I get my next witness?

25 THE COURT: You may.

1 Ma'am, just come on up to the front and  
2 enter the witness stand from the wall there. Before you  
3 sit down will you raise your right hand and be sworn as a  
4 witness.

5 \*\*\*\*\*  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 RHONDA GREER THEREUPON CALLED AS A WITNESS ON  
2 BEHALF OF THE DEFENDANT, AND HAVING BEEN FIRST DULY  
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE COURT: I need you to get close to the  
6 microphone so we can hear you. You may examine.

7 BY MR. MCAFEE:

8 Q. Ms. Greer, please state your full name for the  
9 record.

10 A. Rhonda Greer.

11 Q. Where do you live?

12 A. I live here in Jackson, Tennessee.

13 Q. How long have you lived here?

14 A. Since 1994, '93. October '93.

15 Q. Okay. Where do you work?

16 A. I work at Kowa Pharmaceuticals America,  
17 pharmaceutical company here.

18 Q. All right. Is that company related to a company  
19 where Mr. Phillips works?

20 A. No, it's not related.

21 Q. Okay. How long have you known Mr. Phillips?

22 A. Ten to 15 years.

23 Q. Through school, through --

24 A. Through work, pharmaceuticals.

25 Q. Do your companies do business with each other?

1 A. No.

2 Q. Okay. How do you know him through work?

3 A. Well, most of the pharmaceutical reps in the area  
4 know each other. We see each other at the Jackson Clinic  
5 or whatever, various clinics and offices throughout West  
6 Tennessee.

7 Q. Okay. Is this kind of salesman or sales woman, is  
8 there lots of turn over in that industry?

9 A. There is a lot of turn over. It's the type of job  
10 where you have to be very motivated, very self-motivated.  
11 Because if you don't schedule correctly, route correctly,  
12 you know, do all the management tasks correctly, making  
13 85 percent or above on all tests, you have the ability to  
14 lose your job at any time. Plus there is always  
15 downsizing.

16 When I started in 2004 about four reps per  
17 company, now about one rep per company. So it's very  
18 streamlined. And to be a professional at his level --

19 THE WITNESS: I think you are number one  
20 in the nation, right?

21 Should be receiving his medals and his  
22 trip right now at the national sales meeting. He's  
23 missing it for this. You know, to be at that level is  
24 just very difficult to achieve.

25 BY MR. MCAFEE:

1 Q. The shelf life for sales reps like you, like  
2 Mr. Phillips is not long?

3 A. Two years.

4 Q. How long have you been doing it?

5 A. Since 2004.

6 Q. How long has he been doing it?

7 A. Little longer than that maybe, 2002, something like  
8 that, I think. Few years before me.

9 Q. Is he a very successful sales rep?

10 A. Well, obviously. He's number one in the whole  
11 nation. So he is at the top of his game. He is the best  
12 of the best.

13 Q. Got a good home?

14 A. Has a lovely family. He's the kind of person who  
15 he and his wife couldn't have a child so they decided  
16 they would adopt. And so they put in for a child, a boy.  
17 And they said, well, maybe should apply for a girl too,  
18 and whatever comes first or whatever, you know, you have  
19 a better option of one or the other.

20 Both came up at the same time. And he and his  
21 wife are the kind of people that said, we'll take them  
22 both.

23 Q. He has an alcohol problem.

24 A. I would agree with that.

25 Q. Needs to address that.

1 A. I would agree with that.

2 Q. There are lots of high functioning, whatever, very  
3 successful people that need to address these kinds of  
4 problems.

5 A. Some are high functioning, most are not. But he, I  
6 would say, is, yes.

7 MR. MCAFEE: May I have one moment, Your  
8 Honor?

9 THE COURT: You may.

10 MR. MCAFEE: That's all I have, Your  
11 Honor.

12 THE COURT: Any cross-examination?

13 MS. BOSWELL: Yes, sir.

14 CROSS-EXAMINATION

15 BY MS. BOSWELL:

16 Q. Ms. Greer, regardless then of Mr. Phillips'  
17 drinking you would say he's a smart man?

18 A. I would say he's an intelligent man, yes.

19 Q. And he's very successful, as you described?

20 A. He is successful.

21 Q. Good at his job?

22 A. He is good.

23 Q. So he is able to do all of those things regardless  
24 of any kind of alcohol problem, right?

25 A. Well, to my knowledge.



1 Q. Well, you would know, wouldn't you? You're telling  
2 us all this stuff.

3 A. I see him out in the field doing very well.

4 Q. In fact, you know him more than just through work,  
5 isn't that correct?

6 A. We are socially friends too.

7 Q. That's right. You hang out with he and Jeff Young,  
8 correct?

9 A. On occasion.

10 Q. You party with them, correct?

11 A. I'm not a big partier.

12 Q. Okay. You understand that we have social media  
13 pictures that we are doing a big investigation. Are you  
14 saying that you do not party with those two men?

15 A. I don't know why you are hostile towards me.

16 I know them socially. I have seen them on  
17 occasion. I will hang out with them socially, but I  
18 don't party. It's not really my type of thing.

19 Q. Well, on direct you never mentioned being with him  
20 socially, it was just this great work relationship and  
21 that you --

22 A. Well, that's primarily how I know, that's primarily  
23 how I know him.

24 MS. BOSWELL: No more questions, Judge.

25 THE COURT: Any redirect examination?

1 MR. MCAFEE: That's all I have.

2 THE COURT: Okay. Thank you for your  
3 testimony. You may -- any objection to her staying in --

4 MS. BOSWELL: No, Your Honor.

5 THE COURT: -- or leaving? If you need to  
6 go some place you are welcome to leave, or stay here.  
7 You are released from your testimony.

8 THE WITNESS: Thank you.

9 THE COURT: All right. Thank you for your  
10 testimony.

11 Any other witnesses you would like to  
12 call?

13 MR. MCAFEE: No, sir.

14 THE COURT: Okay. I think the government  
15 has the burden in this case. And normally they open and  
16 close and you may, are sandwiched in between.

17 MS. BOSWELL: Your Honor, as the  
18 government put forth the probable cause for this charge.  
19 We would like to address the detention issue.

20 The government is obviously seeking  
21 detention as to Mr. Phillips. This is a man who was  
22 charged with a aggravated assault involving a firearm.  
23 He got arrested with a gun on that occasion. Was out on  
24 bond for that when he got arrested on a DUI. And is out  
25 on release for that when he made the threats.

1                   You heard the contents of the threats.  
2       This was obviously something that was taken seriously by  
3       the agents as well as his agency. You know, we heard  
4       through the direct of his wife that the Court has gotten  
5       Mr. Phillips' attention. Well, he sure got the attention  
6       of these police officers and law enforcement agents that  
7       are merely out here trying to do their job.

8                   You don't threaten these guys. You don't  
9       say you're going to kill them or kill their children and  
10      fuck their wife.

11                  This is a person who has access to  
12      firearms. Even if that one particular firearm is in  
13      evidence, according to the presentence report -- sorry,  
14      the pre-trial report, he owns firearms and they're  
15      present in his home. Even if they -- they will try to  
16      bring up that Your Honor can order him not to have any.  
17      That will not keep him from having access to them.

18                  His good friend Jeff Young owns and  
19      possesses firearms. Your Honor has heard the proof of  
20      how closely tied they are.

21                  With all due deference to the witnesses  
22      that they try to put forth, the last one put forth to you  
23      on direct only this work relationship, didn't let you  
24      know that she hangs out with him and that there is a  
25      social relationship as well.

1 I think it's obvious from the situation of  
2 his arrest, and the proof that the government has put  
3 forth, that he's not this great family man that is  
4 staying at home with his wife either. He's definitely a  
5 danger. He has access to guns. And the government's  
6 position, alcohol only makes that worse. That makes him  
7 definitely a person with no fear and somebody that would  
8 go through with these threats, Your Honor, based off an  
9 investigation that was going on against his friend.

10 We're definitely asking Your Honor to  
11 detain Mr. Phillips.

12 THE COURT: Okay. All right. Defense.

13 MR. MCAFEE: Thank you, Your Honor.

14 There is ample proof that Mr. Phillips has  
15 many ties to this community. You've seen the report.  
16 Probably more anchors here than any case I've handled for  
17 a defendant. He's got family here. He's got a really,  
18 really good job here. He's also got some problems.

19 He is 45 years old. I would dare say as  
20 many times that you looked at criminal histories you can  
21 look and say looks like there is an alcohol problem, when  
22 you look at the list of them, when you hear the proof,  
23 even in the worst light of it. And I don't make light of  
24 that.

25 Those are clearly not words any grown man

1 ought to be saying. It's alcohol related. Even says so  
2 right there in the text messages. You're drunk.

3 The question from a legal standpoint --  
4 this is not a presumption case. So the question you're  
5 asked to answer here is, do the tough job, which is not  
6 always the popular job, is whether there is any condition  
7 or set of conditions that would assure the safety of  
8 people and that he will show up in court.

9 I respectfully say to the Court, there is  
10 not a single question mark about whether he'll show up.

11 I noted in the report that you have before  
12 you that pre-trial noticed that he has traveled to other  
13 countries and he has a passport. He can be ordered to  
14 surrender it. It can be surrender before he's allowed  
15 any bond. I don't know how in the world I can assure  
16 this Court that nobody on this planet will hand him a  
17 gun. That his best friend, Jeff Young, won't hand him  
18 some gun.

19 You have jurisdiction and authority over  
20 this man right here. And when you use your authority and  
21 when you make decisions in these cases we're supposed to  
22 look to see who is it that we can command to do this or  
23 to do that. It's not our fault that Jeff Young is not  
24 brought into the courtroom to be told you're not to hand  
25 any gun to him. But you can order him not to touch a

1 firearm and to surrender all of them that you do own,  
2 that you do possess. That you have the authority to do.  
3 You can order him not to acquire any, not to touch any.

4 And honestly if you really get down to  
5 what is this specter, this concern that's being put  
6 before you, that's true with every single person that  
7 you've ever granted a bond to. Every single one of them  
8 could find a gun out there if they wanted to in this  
9 country, could do it.

10 I respectfully submit that there is an  
11 alcohol, if not a drug and alcohol problem here that  
12 needs to be addressed. And it's going to be by somebody,  
13 somewhere, some type.

14 Respectfully I submit to this Court that  
15 you have his full attention. You have better levers for  
16 making sure that he does what he ought to be doing,  
17 because he's a 45 year old man anyway, better levers than  
18 anybody ever had. You have access to them. You have the  
19 authority to do it. Frankly, I don't have any problem  
20 with it. I want to see that happen.

21 If the concern is that the classes might  
22 not work, there are alcohol monitors that can be put on  
23 him. I assume you're aware of these. But they're  
24 essentially like a wrist band or ankle bracelet that can  
25 sense -- if you ingest alcohol, you metabolize, that

1 sends a signal. That sends a report that we immediately  
2 know he's ingested alcohol. That's within your reach. I  
3 can find them.

4 There is cellular GPS. We can know where  
5 he is while this case is pending.

6 Now the government states that these words  
7 should not have been said and that, of course, they  
8 should have been taken seriously. But you didn't hear  
9 any proof that John Kevin Phillips had the knowledge to  
10 go through with the threats. What he had -- the only  
11 proof out there at this point, there may be more, what he  
12 had was a first name of someone who was investigating his  
13 friend.

14 It is shameful language. It's not what a  
15 grown man and adult ought to be saying. I respectfully  
16 say, it's just as likely this is dumb drunkenness as it  
17 is that this is a real threat. Whether you believe this  
18 or whether you believe that, you've heard zero proof that  
19 he had the means to actually carry through on it, because  
20 he didn't. You don't have any proof that he did. The  
21 presumption is that he should be given a bond. So then  
22 the task is what set of conditions can be enough?

23 He has a good home to go to. Was he doing  
24 all the right things? No, sir. Has the government  
25 proven he was not? Yes, sir. You can order him to do it

1 and you can enforce that he does it. And if he violates  
2 a semi colon or a comma, you can do something about it.  
3 And you know this.

4 This is a person with a good family, with  
5 a good job and a good wife to go to. If he really did  
6 say I've got nothing to lose, he was wrong about that.

7 I submit that you can fashion any  
8 conditions. And I don't want you to think that I've got  
9 an ego in this. If I have named off four and you think  
10 it really should have been this one, this one and this  
11 one instead, you know more about that than I do. You've  
12 done this more than I have.

13 I respectfully submit there are conditions  
14 that can be set that will reasonably assure this Court  
15 that he will show up where he's supposed to and he will  
16 do what is supposed to be done. Thank you.

17 THE COURT: All right. Thank you.

18 Anything further from the government?

19 MS. BOSWELL: I would like to briefly  
20 respond to that, Your Honor.

21 THE COURT: You may.

22 MS. BOSWELL: Judge, this isn't dumb  
23 drunkenness. This is a crime to threaten a Federal law  
24 enforcement agent. They can't have their cake and eat it  
25 too. Oh, it's just a stupid drunk mistake, he's a big



1 drunk. But he can follow all of your rules. He's not  
2 too drunk to do that.

3 Stan Jones and his family are not semi  
4 colons or commas. And if we cannot ensure that he's not  
5 going to do something, he cannot be let out, Your Honor.  
6 They want to say that every person before you could have  
7 this issue. And that may be true. But every person  
8 before you is not threatening to kill a Federal law  
9 enforcement agent and his family and to have sex with  
10 their wife. We want him detained, Your Honor.

11 THE COURT: All right. Thank you.

12 MR. MCAFEE: May I respond to that?

13 THE COURT: You may briefly.

14 MR. MCAFEE: Their own proof, this awful  
15 threat, and it is. If it's a real threat or if it's dumb  
16 drunkenness talking. And that's what the recipient of  
17 this said right off the bat. You are drunk.

18 THE COURT: Okay. Thank you.

19 Well, certainly this has been well  
20 litigated, so to speak, and excellent presentations by  
21 both the government and defense.

22 I am concerned as a Magistrate Judge, that  
23 there is clear and convincing evidence that no conditions  
24 of combination of conditions of release will reasonably  
25 assure community safety.

1 I understand there are problems here with  
2 alcohol. But this -- I think the government has the  
3 controlling argument in this case. I agree with the  
4 government's position in this. And that would be the  
5 finding of this Court.

6 I'm also going to find from the standpoint  
7 of probable cause as well in this.

8 And I think that's all we can do today in  
9 this matter. I'm going to remanded the defendant over  
10 the custody of the Marshal's Office pending his next  
11 hearing.

12 (End of Proceedings.)

13 (End of Requested Material.)

14

15

16

17

18

19

20

21

22

23

24

25

1 I, Kristi Heasley, do hereby certify that the  
2 foregoing 50 pages are, to the best of my knowledge,  
3 skill and ability, a true and accurate unredacted  
4 transcript from the FTR recording in the matter of:

5  
6  
7 UNITED STATES OF AMERICA

8 VS

9  
10 JOHN KEVIN PHILLIPS

)  
)NO.17-10018  
)JACKSON, TENNESSEE  
)  
)

11  
12  
13  
14 Dated this 13th day of March, 2017.  
15  
16  
17

18 -----  
19 Kristi Heasley, RPR  
20 Official Court Reporter  
21 United States District Court  
22 Western District of Tennessee  
23 Eastern Division  
24  
25

.